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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 HECTOR SANCHEZ LEYVA,

10 Petitioner,

No. CIV S-05-0031 FCD GGH P

11 vs.

12 ROBERT AYERS,

13 Respondent.

ORDER

14 _____/
15 Petitioner has filed his third request for appointment of counsel. There currently
16 exists no absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner,
17 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of
18 counsel at any stage of the case “if the interests of justice so require.” See Rule 8(c), Fed. R.
19 Governing § 2254 Cases. In this case, the court has not found, nor does it now find, that the
20 interests of justice would be served by the appointment of counsel.

21 Accordingly, IT IS HEREBY ORDERED that petitioner’s May 18, 2005 third
22 request for appointment of counsel is denied without prejudice.

23 DATED: 6/15/05

24 /s/ Gregory G. Hollows

25 _____
26 GREGORY G. HOLLOWES
UNITED STATES MAGISTRATE JUDGE